

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTONIO MARTINEZ,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 16-1157
	:	
THERESA DELBALSO, et al.,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this 3rd day of February, 2017, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Marilyn Heffley, it is hereby **ORDERED** that:

1. Petitioner's objections (doc. no. 17) are **OVERRULED**;¹
2. The Report and Recommendation (doc. no. 12) is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DENIED**;
4. There is no basis for the issuance of a certificate of appealability; and
5. The Clerk of Court is directed to mark this case **CLOSED**.

¹ Petitioner does not raise any new arguments or additional facts in his objections. Rather, he again argues that his petition should be equitably tolled because he faced the extraordinary circumstance of being a non-English speaker and was reasonably diligent in pursuing his rights. As Judge Heffley explained in her Report and Recommendation, Petitioner has not alleged any specific details regarding his request for translated legal materials or the denial of those requests. Petitioner provides only vague statements about the prison's failure to make someone trained in the law available to him.

As to Petitioner's diligence, Judge Heffley observed that Petitioner has in no way indicated that he exercised reasonable diligence during the almost two decades since his AEDPA statute of limitations period expired. Petitioner's contention in his objections that from 1994 to 2000 "he 'was seeking help' from the inmate population" does not provide any information as to his efforts to file a federal habeas petition before 2016.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.